

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**JOSE MALDONADO,**

**Plaintiff,**

**v.**

**JOSHUA A. FILUTZE,**

**Defendant.**

**Case No. 1:23-cv-68**

**MEMORANDUM ORDER**

Plaintiff Jose Maldonado filed this civil action against Defendant Joshua A. Filutze, a City of Erie police officer, claiming that the Defendant violated his constitutional rights. The operative pleading is Plaintiff's Amended Complaint, which asserts Fourth Amendment claims under 42 U.S.C. §1983 for alleged false arrest and false imprisonment. Pending before the Court is a motion by the Defendant to dismiss Plaintiff's Amended Complaint. ECF No. [5]. The matter has been referred to Chief United States Magistrate Judge Richard A. Lanzillo for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Civil Rule 72.

After converting the Defendant's Rule 12 motion into a Rule 56 motion for summary judgment, Judge Lanzillo issued a Report and Recommendation ("R&R") on November 14, 2023 in which he opined that Defendant's motion should be granted. ECF No. [27]. Objections to the R&R were due on or before November 28, 2023. As of this date, no objections have been received.

After *de novo* review of the documents in the case, including the Amended Complaint, Defendant's motion and all filings related thereto, and the Magistrate Judge's R&R,

IT IS ORDERED, this 20th day of December, 2023, that the Defendant's motion [5] shall be treated as a Rule 56 motion for summary judgment and, so construed, is GRANTED as to all claims against Defendant Filutze in the Amended Complaint.

IT IS FURTHER ORDERED that the Report and Recommendation issued by Chief United States Magistrate Judge Richard Lanzillo on November 14, 2023, ECF No. [27], is hereby adopted as the opinion of this Court.

A separate order of judgment follows.

A handwritten signature in cursive script, reading "Susan Paradise Baxter", written in black ink. The signature is positioned above a horizontal line.

SUSAN PARADISE BAXTER  
United States District Judge